

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

PREAMBLE

1. **Sections Affected**

R12-8-109	Rulemaking Action
R12-8-125	Amend
Exhibit A	Amend
	New Exhibit
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-511.05(8)
Implementing statute: A.R.S. § 41-511.05(8)
3. **The effective date of the rules:**

January 1, 1997
4. **A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Exempt Rulemaking:
2 A.A.R. 693, January 12, 1996
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Leslie Schwalbe, Assistant Director
Address: Arizona State Parks Board
1300 West Washington, Suite #222
Phoenix, Arizona 85007
Telephone: (602) 542-6920
Fax: (602) 542-4180
6. **An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**

R12-8-109, Fees and Permits, sets the fees for visitor use and commercial use at Arizona State Parks. Each year, the Arizona State Parks Board reviews its fee structure and approves adjustments for the ensuing calendar year. In its analysis, Arizona State Parks Board reviews fee structures of surrounding states; reviews operating and development costs of the State Parks System; reviews the public demand for park services and subsequent impacts of visitor use on park resources. State Parks actively pursues public input into the fee structure through regional meetings throughout the state.

Rule changes for 1997 can be summarized as follows:

 - Charging entrance fees for children ages 6 years and older at historic and education parks;
 - Adult pricing is applicable to persons 14 and up at historic and education parks;
 - Daily entrance fees at recreation parks would become a minimum of \$4 per vehicle;
 - With the exception of Alamo Lake State Park, camping fees would range from \$9 to \$15 per night depending upon the Park's amenities;
 - Stipulates fee ranges for commercial photography use.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

8. The summary of the economic, small business, and consumer impact:
Not applicable.
9. A description of the changes between the proposed rules, including supplemental notes, and final rules (if applicable):
See question #6.
10. A summary of the principal comments and the agency response to them:
While Arizona State Parks Board actively pursued public involvement in this exempt rulemaking process, little public interest was displayed. A member of the public was concerned about State Parks charging for riding through the park on a quick tour. Arizona State Parks Board responded by saying that if the visitor does not stay in the park for an extended period of time, then there would not be an charge.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
Not applicable.
13. Was this rule previously adopted as an emergency rule?
No.
14. Full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

- R12-8-109. Fees and Permits
R12-8-125. Special Events Use
Exhibit A 1997 Regular Fee Structure

ARTICLE 1. GENERAL PROVISIONS

R12-8-109. Fees and Permits

- A. Annual Fee Review. The Board shall annually review and set fees for entrance, camping, and overnight parking at state park facilities. The fees shall be posted at each state park and printed in appropriate state park literature for public information. Fees shall be based upon analysis of the following criteria.
 1. Fee and permit charges by state park agencies of the 11 western states and similar facilities within Arizona,
 2. Arizona State Parks operational and developmental costs,
 3. Public demand for services, and
 4. Impacts upon park resources.
- B. Entrances fees/permits. Entrance, camping, and overnight parking fees for each park can be found in Exhibit A. A fee will not be charged for private vehicles or individuals requesting a 15 minute or less preview of a recreation park.
 1. ~~Historic facility (all historic parks): individual 12-17 years, \$1.00; 18 years and above:~~
 - Group 1-6, \$2.00 per person;
 - Group 7-12, \$1.80 per person;
 - Group 13-19, \$1.60 per person;
 - Group 20+, \$1.40 per person.
 2. ~~Interpretive program and entrance fee: individual 12-17 years, \$2.00; 18 years and above:~~
 - Group 1-6, \$3.00/person;
 - Group 7-12, \$2.70 per person;
 - Group 13-19, \$2.40 per person;
 - Group 20+, \$2.10 per person
 3. ~~Recreational facility individual not in motorized vehicle: 12 years and above, \$1.00.~~
 4. ~~Recreational facility at Patagonia Lake, Dead Horse Ranch, Fool Hollow, Tonto Natural Bridge, and Slide~~

~~Rock State Parks, and program fee at Red Rock State Park:~~

- ~~Per vehicle with a group of 1-6, \$5.00
Per vehicle with a group of 7-12, \$10.00
Per vehicle with a group of 13-18, \$15.00
Per vehicle with a group of 19-24, \$20.00.
\$5.00 additional for increments of 6 individuals or less per vehicle above 24 in group.~~

5. ~~Recreational facility at Buckskin Mountain, Cattail Cove, and Lake Havasu State Parks on Monday, Tuesday, Wednesday, and Thursday except state observed holidays.~~

- ~~Per vehicle with a group of 1-6, \$4.00
Per vehicle with a group of 7-12, \$8.00
Per vehicle with a group of 13-18, \$12.00;
Per vehicle with a group of 19-24, \$16.00;
\$4.00 additional for increments of 6 individuals or less per vehicle above 24 in group.~~

6. ~~Recreational facility at Buckskin Mountain, Cattail Cove, and Lake Havasu State Parks on Friday, Saturday, Sunday, and state observed holidays.~~

- ~~Per vehicle with a group of 1-6, \$7.00;
Per vehicle with a group of 7-12, \$14.00;
Per vehicle with a group of 13-18, \$21.00;
Per vehicle with a group of 19-24, \$28.00.
\$7.00 additional for increments of 6 individuals or less per vehicle above 24 in group.~~

7. ~~Recreational facility at all other parks not noted in subsections (B)(1)(d), (e), and (f):~~

- ~~Per vehicle with a group of 1-6, \$3.00;
Per vehicle with a group of 7-12, \$6.00;
Per vehicle with a group of 13-18, \$9.00;
Per vehicle with a group of 19-24, \$12.00.
(\$3.00 additional for increments of 6 individuals or less per vehicle above 24 in group).~~

8. ~~Group/day-use area reservation at all parks: \$10.00.~~

9. ~~Limited annual permit valid at all parks except Buckskin Mountain, Cattail Cove, and Lake Havasu State Parks on Friday, Saturday, Sunday, and state observed holidays: \$35.00.~~

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10. Unlimited annual permit valid at all parks at all times: \$65.00
- C. Camping and overnight parking fees/permits
 1. At Alamo Lake, Catalina, Homolovi Ruins, Lost Dutchman, Picacho Peak, Lyman Lake, and Roper Lake State Parks:
 - a. Nightly camp site, \$8.00/vehicle or boat;
 - b. Hook-up site, \$13.00/vehicle.
 2. At Fool Hollow Recreational Area, Dead Horse Ranch, Patagonia Lake, Cattail Cove, Buckskin Mountain, and Lake Havasu State Parks:
 - a. Nightly camp site, \$10.00/vehicle or boat;
 - b. Hook-up site, \$15.00/vehicle or boat;
 - c. Cabana, \$20.00 per vehicle;
 - d. Off-season long-term weekly permit (fee calculation for stay of 7 days: rate equals appropriate fee for site for 5 days):
 - i. Camp site, \$40,000-\$50,000/vehicle or boat;
 - ii. Hook-up site at Alamo Lake, Lyman Lake, Roper Lake, Lost Dutchman, Homolovi Ruins, Picacho Peak, and Catalina, \$65.00/vehicle or boat;
 - iii. Hook-up site at all other parks, \$75.00/vehicle or boat;
 - iv. Cabana, \$75.00/vehicle;
 - e. Group area reservation (all parks), \$25.00.
 3. Overnight parking not in a camp site, \$3.00-\$5.00/vehicle each night (same as the individual park entrance fee).
- D.C. Special Use Fees.
 1. The Director may negotiate a specific fee for special uses. The range for noncommercial and commercial uses at state park facilities shall be the fee charged unless the Executive Director determines that an increase is justified based upon analysis of the following criteria:
 - a.1. Park expenses resulting from the special use,
 - b.2. Loss of revenue resulting from the special use,
 - c.3. Impacts upon park resources and visitors as a result of the special use, or
 - d.4. The goodwill produced by informing or educating the public.
 2. Noncommercial and commercial special use fees:
 - a. Noncommercial, \$25-\$50 per room or area/4 hours;

- b. Commercial, \$50-\$100 per room or area/4 hours;
- e. Commercial photography, \$50-\$10,000 per 4 hours;
- d. Damage deposit, \$25-\$500 per room or area.

E.D. Special program fees. A special program fee for events sponsored by state parks may be assessed or park fees during the event may be waived. If assessed, this fee shall be established by the Executive Director according to the criteria specified in subsection (D)(1)(C). Special program fees shall be established in advance of the event and posted as stated in this rule.

F.E. Commercial Vehicle Access Permit (CVAP) will be required by any person that enters a state park to conduct any portion of a business that is not covered by a concession agreement or special use permit. The fees for a CVAP are as follows:

1. Administrative fee, 1 pass: \$200;
2. Additional passes, maximum of 2: \$100 each.

R12-8-125. Special Events Use

- A. **Special Uses Public Attractions**, such as organized sporting events, pageants, and assemblies, regardless of whether staged for profit and regardless of whether the public is invited, may be conducted only by a special use permit.
- B. The Director may reserve portions of state park fee areas for approved special events uses. An application shall be submitted by a responsible sponsor at least 15 days in advance of the date requested for the special use event. It shall include all relevant information required by the Director to establish that the proposed special event use will be consistent with the purposes of the state park and will not constitute a threat to public safety or unduly inconvenience normal park activities.
- C. The Director may impose conditions on the conduct of any special event use which are necessary in his judgement to protect the area and to maintain its availability as a state park. He may require, in appropriate cases, that a sponsor post a deposit against damage and clean-up expenses, carry special insurance and provide adequate medical, sanitary, and security services. If the event use is staged for profit, the Director may require the sponsor to enter into an agreement with the Board for a negotiated percentage of gross receipts not to exceed 20%.
- D. A decision of by the Director concerning any special event use may be appealed to the Parks Board.

Arizona Administrative Register
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EXHIBIT "A"

ARIZONA STATE PARKS
1997 REGULAR FEE STRUCTURE

HISTORIC / EDUCATION PARKS

	AGE GROUPS			*GROUP DISCOUNTS (Adult Fees)		
	Ages 0 - 6	Ages 7 - 13	Ages 14 & Up	7 - 12 Persons	13 - 18 Persons	19 Persons & Up
BOYCETHOMPSON						
ORACLE	(\$4/Vehicle or Special Program Fees)					
HOMOLOVI RUINS	(See Recreation Parks Below)					
FORT VERDE	free	1.00	2.00	1.80	1.60	1.40
JEROME	free	1.00	2.50	2.25	2.00	1.75
MCFARLAND	free	1.00	2.00	1.80	1.60	1.40
RED ROCK	(See Recreation Parks Below)					
RIORDAN	free	2.50	4.00	3.60	3.20	2.80
TOMESTONE	free	1.00	2.50	2.25	2.00	1.75
TUBAC	free	1.00	2.00	1.80	1.60	1.40
YUMA	free	2.00	3.00	2.70	2.40	2.10

OTHER REGULAR FEES (All Parks)

Group Day-Use Reserv.:	\$10.00-\$25.00
Group Camping Reserv.:	\$25.00-\$50.00
Overnight Parking:	(entry fee)
Annual Permit (Unlimited.):	\$65.00
Annual Permit (Limited.):	\$35.00
Commercial Permit:	1st pass \$200.00 2nd pass \$100.00 (max 2)

SPECIAL USE FEES

Fee charged per room or area/ 4hrs:	
Non-Commercial:	\$25.00-\$50.00
Commercial:	\$50.00-\$3,000.00+
Damage Deposit:	\$25.00-\$500.00

* All persons in a group, regardless of age, apply toward a group's number, but only adult fees are discounted.

RECREATION PARKS

	DAILY ENTRANCE FEES			NIGHTLY CAMPING FEES			Off-Season Long-Term Rates		
	Individual / Bicycle	Per Vehicle (1-6 Persons)	Additional Per Group of 1-6	Campsite	Hook-Up Site	Cabana or Boat Site	Campsite	Hook-Up	Cabana/Boat
ALAMO	1.00	4.00	4.00	8.00-10.00	13.00		40.00-50.00	65.00	
BUCKSKIN MOUNTAIN **	1.00	4.00 / 7.00	4.00 / 7.00		15.00	20.00	50.00	75.00	75.00
BUCKSKIN RIVER IS. **	1.00	4.00 / 7.00	4.00 / 7.00	12.00	15.00		60.00	75.00	
CATALINA	1.00	4.00	4.00	9.00	14.00		45.00	70.00	
CATTAIL COVE **	1.00	4.00 / 7.00	4.00 / 7.00	10.00	15.00	10.00	50.00	75.00	50.00
DEAD HORSE RANCH	1.00	4.00	4.00	10.00	15.00		50.00	75.00	
FOOL HOLLOW	1.00	5.00	5.00	10.00	15.00		50.00	75.00	
HOMOLOVI RUINS	1.00	4.00	4.00	9.00	14.00		45.00	70.00	
LAKE HAVASU **	1.00	4.00 / 7.00	4.00 / 7.00	10.00-12.00		10.00	50.00-60.00		50.00
LOST DUTCHMAN	1.00	4.00	4.00	9.00			45.00		
LYMAN LAKE	1.00	4.00	4.00	9.00	14.00		45.00	70.00	
PATAGONIA LAKE	1.00	5.00	5.00	10.00	15.00	10.00	50.00	75.00	50.00
PICACHO PEAK	1.00	4.00	4.00	9.00	14.00		45.00	70.00	
RED ROCK	1.00	5.00	5.00	(Fees charged only for education-related groups: \$10.00 per group of 1-6 persons)					
ROPER LAKE	1.00	4.00	4.00	9.00	14.00		45.00	70.00	
SLIDE ROCK	1.00	5.00	5.00						
TONTO NAT. BRIDGE	1.00	5.00	5.00						

** Denotes parks that charge the higher daily fee on Friday, Saturday, and Sunday and State-observed holidays.